

JS 44 (Rev. 09/11)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

FAHEEM BEYAH, et al.  
2315 Watkins Street  
Philadelphia, PA19145

(b) County of Residence of First Listed Plaintiff Philadelphia  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Brian F. Humble, Esquire, Attorney at Law, 1500 JFK Boulevard, Suite 1313, Philadelphia, PA 19102 (215) 501-6356 BHumble@verizon.net

**DEFENDANTS**

ANTHONY WASHINGTON  
c/o City of Philadelphia Law Department  
Philadelphia, PA 19102

County of Residence of First Listed Defendant Philadelphia  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff  3 Federal Question (U.S. Government Not a Party)  
 2 U.S. Government Defendant  4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>REAL PROPERTY</b> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN**

(Place an "X" in One Box Only)

- 1 Original Proceeding  2 Removed from State Court  3 Remanded from Appellate Court  4 Reinstated or Reopened  5 Transferred from another district (specify)  6 Multidistrict Litigation

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
**42 USC 1983**

**VI. CAUSE OF ACTION**

Brief description of cause:  
**Unlawful Search, Seizure and Arrest**

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

**DEMAND \$**  
150,000.00

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

09/25/2012

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

FAHEEM BEYAH, ET AL. : CIVIL ACTION  
V. :  
ANTHONY WASHINGTON : NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )  
(b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )  
(c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )  
(d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )  
(e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )  
(f) Standard Management – Cases that do not fall into any one of the other tracks. (✓)

Date

9/25/12

Attorney-at-law

215-501-6356

Telephone

FAX Number

E-Mail Address

*Bh*  
Plaintiff  
Attorney for  
*bhankelaw@gmail.com*

## UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: PHILADELPHIA

Address of Defendant: PHILADELPHIA

Place of Accident, Incident or Transaction: PHILADELPHIA COUNTY PA  
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes  No

Does this case involve multidistrict litigation possibilities?

Yes  No

*RELATED CASE, IF ANY:*

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes  No

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes  No

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes  No

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes  No

**CIVIL: (Place ✓ in ONE CATEGORY ONLY)**

A. *Federal Question Cases:*

1.  Indemnity Contract, Marine Contract, and All Other Contracts
2.  FELA
3.  Jones Act-Personal Injury
4.  Antitrust
5.  Patent
6.  Labor-Management Relations
7.  Civil Rights
8.  Habeas Corpus
9.  Securities Act(s) Cases
10.  Social Security Review Cases
11.  All other Federal Question Cases

(Please specify) \_\_\_\_\_

B. *Diversity Jurisdiction Cases:*

1.  Insurance Contract and Other Contracts
2.  Airplane Personal Injury
3.  Assault, Defamation
4.  Marine Personal Injury
5.  Motor Vehicle Personal Injury
6.  Other Personal Injury (Please specify) \_\_\_\_\_
7.  Products Liability
8.  Products Liability — Asbestos
9.  All other Diversity Cases

(Please specify) \_\_\_\_\_

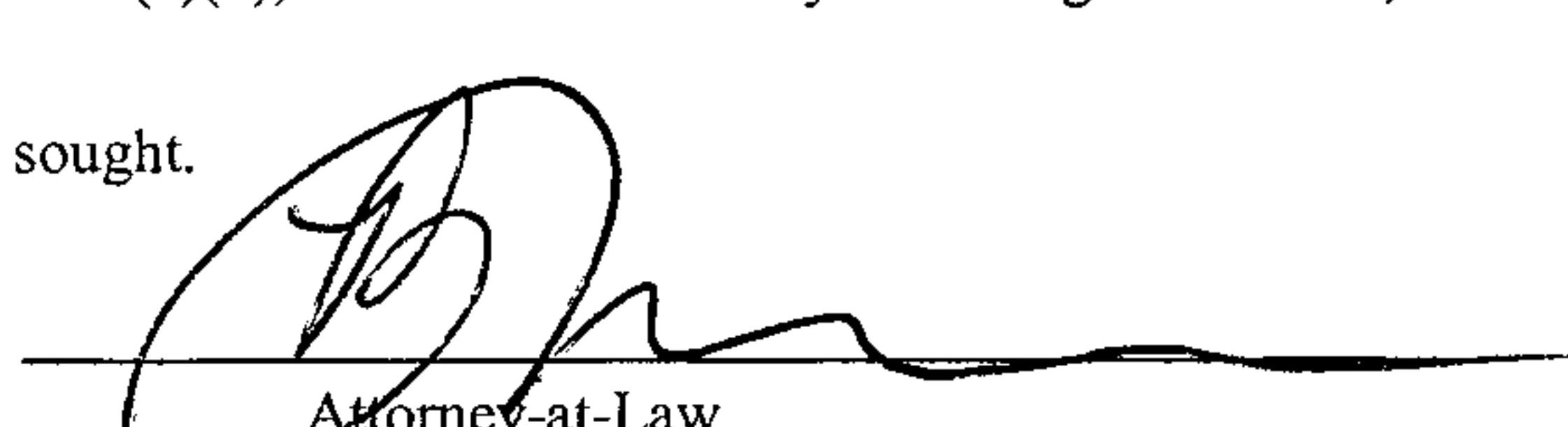
**ARBITRATION CERTIFICATION**

(Check Appropriate Category)

, counsel of record do hereby certify:

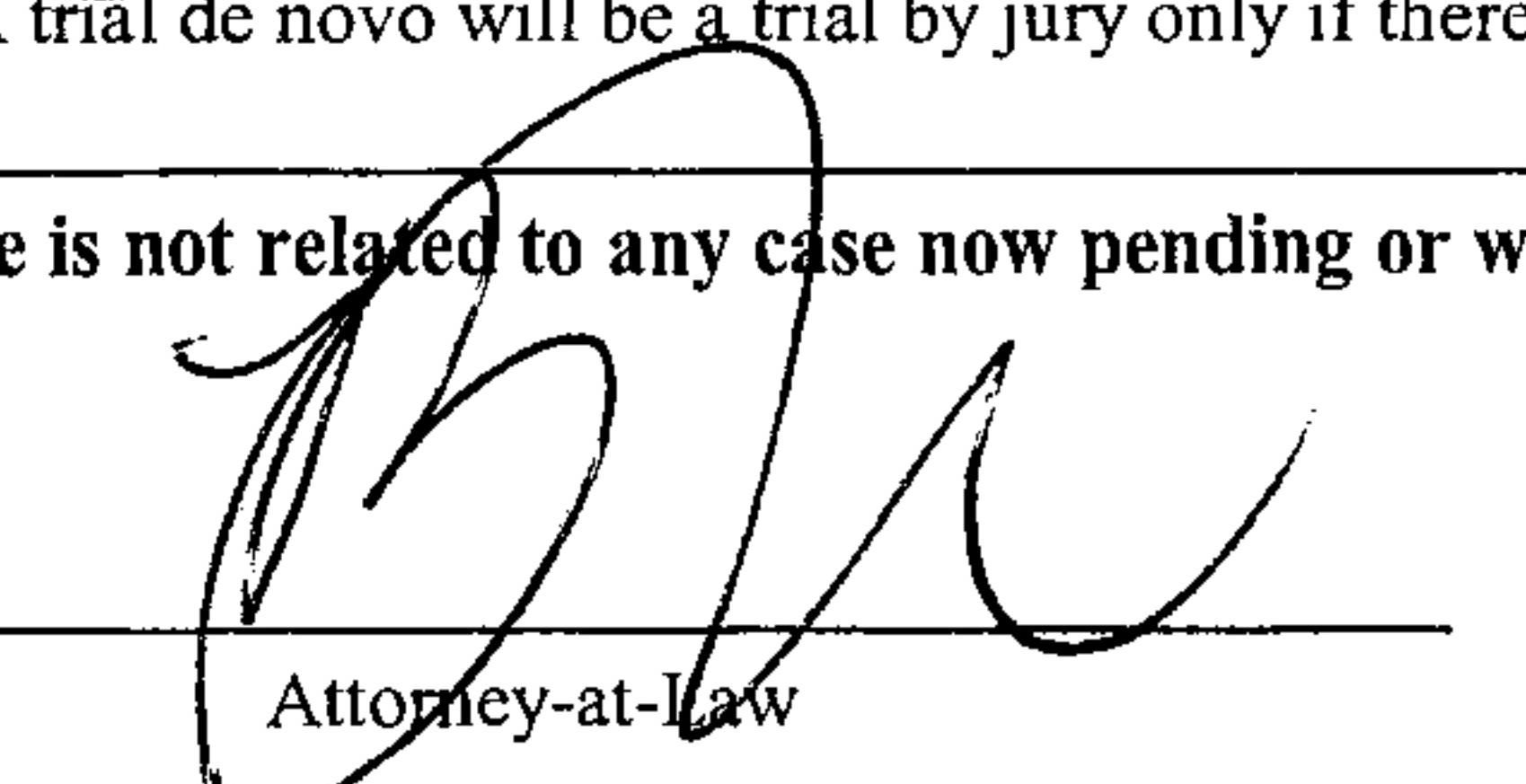
- I, BRIAN F. THOMAS, Attorney-at-Law, counsel of record do hereby certify:
- Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
  - Relief other than monetary damages is sought.

DATE: 9/25/12

  
Attorney-at-Law

88887

Attorney I.D.#

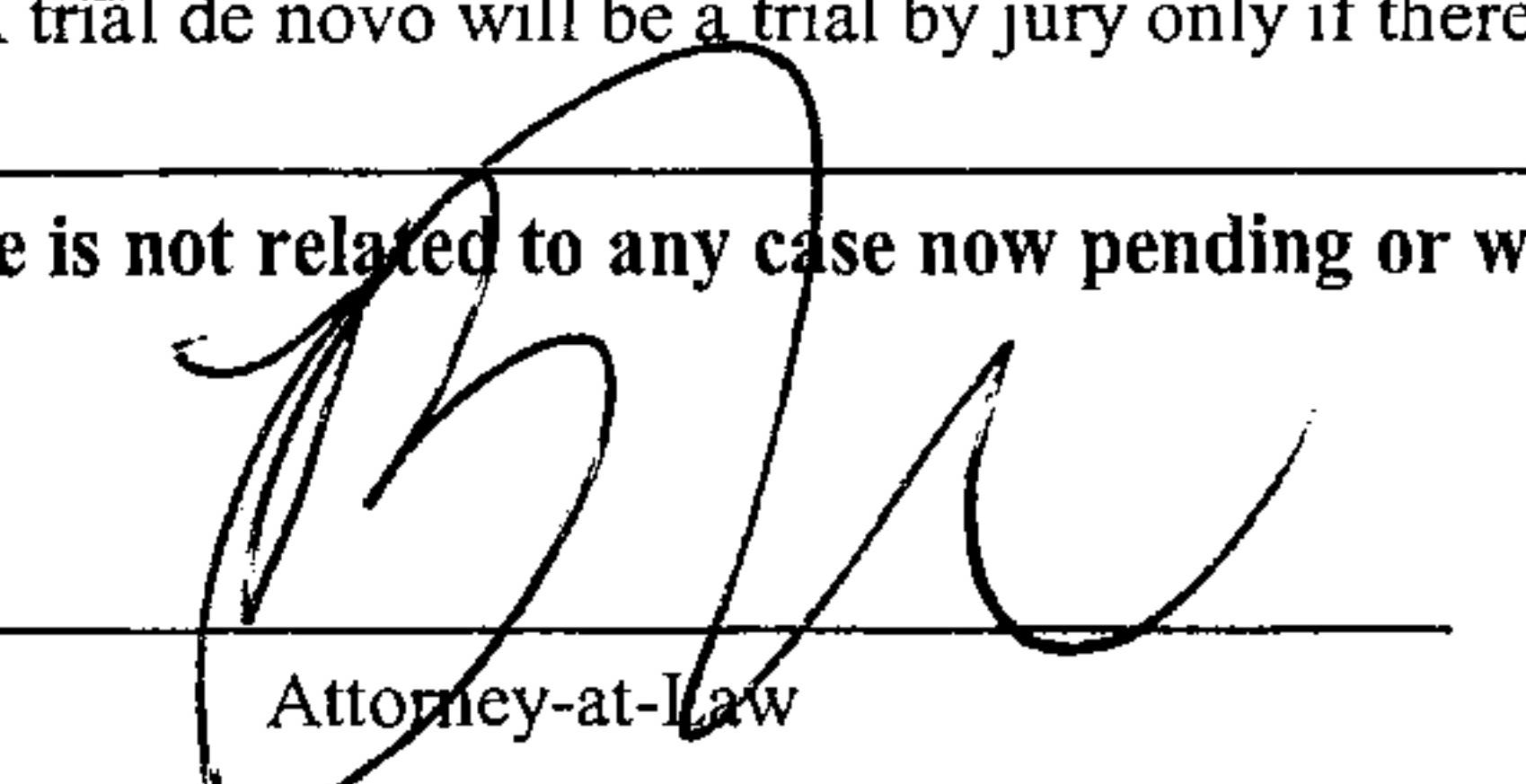
  
Attorney-at-Law

88887

Attorney I.D.#

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 9/25/12

  
Attorney-at-Law

CIV. 609 (5/2012)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FAHEEM BEYAH )  
2315 Watkins Street )  
Philadelphia, PA 19145; )  
 )  
KHALIL BEYAH )  
1516 Reed Street )  
Philadelphia, PA 19146; )  
 )  
JAWAAN MONTGOMERY )  
1516 Reed Street )  
Philadelphia, PA 19146; )  
 )  
ROBERT GAY ) Docket No. 12-CV-\_\_\_\_\_  
1418 South 22nd Street )  
Philadelphia, PA 19146; )  
 )  
KHALIL BRINSON )  
1841 Ringo Street )  
Philadelphia, PA 19121; )  
Plaintiffs, )  
 )  
 )  
v. )  
 )  
 )  
ANTHONY WASHINGTON )  
Individually and In His Capacity as )  
City of Philadelphia Police Captain 17<sup>th</sup> District )  
c/o City of Philadelphia Law Department )  
1515 Arch Street, 14th Floor )  
Philadelphia, Pennsylvania 19102-1595; )  
 )  
CITY AND COUNTY OF PHILADELPHIA )  
c/o City of Philadelphia Law Department ) JURY TRIAL DEMANDED  
One Parkway, 15<sup>th</sup> Floor )  
1515 Arch Street )  
Philadelphia, PA 19102; )  
 )  
DOROTHY JOHNSON-SPEIGHT, Individually and in )  
Her Official Capacity as Founder and Executive Director )  
MOTHER'S IN CHARGE )

1415 Broad Street, Suite 229 )  
Philadelphia, PA 19122; )  
 )  
MOTHER'S IN CHARGE )  
1415 Broad Street, Suite 229 )  
Philadelphia, PA 19122; )  
 )  
CITY OF PHILADELPHIA POLICE DEPARTMENT )  
8th and Race Streets )  
Philadelphia, PA 19106; )  
 )  
CHARLES H. RAMSEY, Individually and in His )  
Official Capacity as Police Commissioner )  
8th and Race Streets )  
Philadelphia, PA 19106; )  
 )  
SUPERVISORY POLICE OFFICERS JOHN DOES )  
Individually and in Their Official Capacities )  
as City of Philadelphia Supervisory Police Officers )  
c/o City of Philadelphia Law Department )  
1515 Arch Street, 14th Floor )  
Philadelphia, PA 19102; and )  
 )  
POLICE OFFICERS JOHN DOES 1-40 )  
Individually and in Their Official Capacities )  
as City of Philadelphia Police Officers )  
c/o City of Philadelphia Law Department )  
1515 Arch Street, 14th Floor )  
Philadelphia, PA 19102 )  
Defendants. )

### **CIVIL ACTION COMPLAINT**

This is a civil rights action in which named Plaintiffs seeking relief in the form of declaratory and injunctive relief, as well as damages and punitive damages for injuries and the violation of their rights, privileges, and immunities secured by the Ku Klux Klan Act of 1871 (42 U.S.C. § 1983), Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000(d), *et seq.*), 42 U.S.C. §§ 1981, 1982, 1985, 1986 and 1988, the First, Fourth, Fifth and Fourteenth Amendments to the United States Constitution, other Constitutional Provisions and Federal Statutes, and the Laws and Constitution of the Commonwealth of Pennsylvania.

## **I. JURISDICTION**

1. This action is brought pursuant to Ku Klux Klan Act of 1871 (42 U.S.C. § 1983), Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000(d), *et seq.*), 42 U.S.C. §§ 1981, 1982, 1985, 1986 and 1988, the First, Fourth, Fifth and Fourteenth Amendments to the United States Constitution, other Constitutional Provisions and Federal Statutes, and the Laws and Constitution of the Commonwealth of Pennsylvania, and pursuant to 28 U.S.C. §§ 1331, 1332 and 1343 *et seq.*
2. Jurisdiction is established over State law claims based on supplemental jurisdiction under 28 U.S.C. § 1337.
3. Declaratory and Injunctive Relief is authorized by 28 U.S.C. §§ 2201-2202, and Rule 57 of the Federal Rules of Civil Procedure.
4. The amount in controversy exclusive of interest and costs exceeds One-Hundred-and-Fifty-Thousand (\$150,000.00) Dollars.

## **II. VENUE**

5. All claims herein arose within the jurisdiction of the United States District Court of the Eastern District of Pennsylvania, and involve Defendants whose residence or principle place of business is within this court's jurisdictional boundaries. Therefore, venue is appropriately invoked pursuant to 28 U.S.C. § 1331(b) and (c).

## **III. PARTIES**

6. Plaintiff, FAHEEM BEYAH, is an African-American, adult male, and a United States Citizen whose domicile is within the city and county of Philadelphia, Pennsylvania.
7. Plaintiff, KHALIL BEYAH, is an African-American, adult male, and a United States Citizen whose domicile is within the city and county of Philadelphia, Pennsylvania.

8. Plaintiff, JAWAAN MONTGOMERY, is an African-American, adult male, and a United States Citizen whose domicile is within the city and county of Philadelphia, Pennsylvania.
9. Plaintiff, ROBERT GAY, is an African-American, adult male, and a United States Citizen whose domicile is within the city and county of Philadelphia, Pennsylvania.
10. Plaintiff, KHALIL BRINSON, is an African-American, adult male, and a United States Citizen whose domicile is within the city and county of Philadelphia, Pennsylvania.
11. Defendant, ANTHONY WASHINGTON (“Defendant Washington”) is an African-American male City of Philadelphia Police Captain employed by Defendant, City of Philadelphia, and under the command of Defendant, Ramsey. At all times relevant hereto, Defendant Washington was acting under the color of State law as a Philadelphia Police Officer. Defendant Washington is being sued in his individual and official capacities.
12. Defendant, CITY AND COUNTY OF PHILADELPHIA (“Defendant City of Philadelphia”) is a municipality organized by and through the Commonwealth of Pennsylvania that directs, manages and controls the City of Philadelphia Police Department (“Defendant City of Philadelphia Police Department”), and employs all the individually-named Defendants.
13. Defendant, DOROTHY JOHNSON-SPEIGHT (“Defendant Johnson-Speight”), is the Founder and Executive Director of MOTHER’S IN CHARGE. At all times relevant hereto, Defendant Johnson-Speight was acting as a decision-maker regarding the operation of Defendant, MOTHER’S IN CHARGE. Defendant Johnson-Speight is responsible for establishing, maintaining and enforcing the customs, practices and policies of Defendant MOTHER’S IN CHARGE. Defendant Johnson-Speight is being sued in her individual and official capacities.

14. Defendant, MOTHER'S IN CHARGE, is a non-profit organization organized under Section 501(c)(3) of the United States Internal Revenue Code and the laws of the Commonwealth of Pennsylvania. At all times relevant hereto, Defendant MOTHER'S IN CHARGE was acting in concert with the municipal Defendants to promote re-educational films and community advocacy programs for a fee.
15. Defendant, CITY OF PHILADELPHIA POLICE DEPARTMENT ("Defendant City of Philadelphia Police Department") is a department of Defendant City of Philadelphia that is the recipient of Title VI Funds and is liable under Title VI for the discriminatory actions of its employees. Defendant City of Philadelphia Police Department is being sued solely under Title VI of the Civil Rights Act of 1964.
16. Defendant, CHARLES H. RAMSEY ("Defendant Ramsey") is the City of Philadelphia Police Commissioner employed by and an agent of the City of Philadelphia. At all times relevant hereto, Defendant Ramsey was acting under the color of State law as the Police Commissioner for the City of Philadelphia and the final decision-maker regarding the operation of Defendant City of Philadelphia Police Department. Defendant Ramsey is responsible for establishing, maintaining and enforcing the customs, practices and policies of Defendant City of Philadelphia Police Department. He is also responsible for hiring, screening, training, supervision, monitoring, auditing, discipline and control of police officers under his command, including the individually-named Defendant police officers in this case. Defendant Ramsey is being sued in his individual and official capacities.
17. Defendants, SUPERVISORY POLICE OFFICERS JOHN DOES ("Defendants SUPERVISORY DOES"), at all times relevant hereto Defendants SUPERVISORY DOES were acting in their supervisory capacity as City of Philadelphia Police Lieutenants and Ser-

geants in the 17<sup>th</sup> Police District under the command of Defendant WASHINGTON, with supervisory authority over numerous City of Philadelphia Officers on June 24, 2011. Defendants SUPERVISORY DOES, at all times relevant hereto Defendants SUPERVISORY DOES are being sued in their individual and official capacities. Further, at all times relevant hereto Defendants, SUPERVISORY DOES were acting under the color of state law in their capacities as City of Philadelphia Police Lieutenants and Sergeants in the 17<sup>th</sup> Police District within Defendant, CITY OF PHILADELPHIA POLICE DEPARTMENT.

18. Defendants, POLICE OFFICERS JOHN DOES 1-40 (“Defendants DOES 1-40”), at all times relevant hereto Defendants DOES 1-40 were acting in their capacities as City of Philadelphia Police Officers in the 17<sup>th</sup> Police District under the command of Defendants, WASHINGTON and SUPERVISORY DOES on June 24, 2011. Defendants DOES 1-40 are being sued in their individual and official capacities. Further, at all times relevant hereto Defendants DOES 1-40 were acting under the color of state law in their capacities as City of Philadelphia Police Officers in the 17<sup>th</sup> Police District within Defendant, City of Philadelphia Police Department.

#### **IV. FACTUAL ALLEGATIONS**

19. On June 24, 2011, Defendant WASHINGTON, was acting in his capacity as City of Philadelphia Police Captain and the senior supervisory City of Philadelphia Police Official at the 17<sup>th</sup> District Police Precinct that is located in the Grays Ferry Neighborhood of Philadelphia.
20. In the late afternoon on June 24, 2011, Defendant WASHINGTON was overheard talking into his Bluetooth Cell Phone device by a Caucasian police officer making the statement: “when you get here, my jail will be full of *Niggers*.”

21. Plaintiffs reasonably believe and aver that Defendant WASHINGTON was taking to Defendant JOHNSON-SPEIGHT.
22. Shortly thereafter, Defendant WASHINGTON, personally dispatched all police officers under his command to arrest some *Niggers* because he is having a Defendant, MOTHER'S IN CHARGE town meeting and needs a full jail.
23. Immediately after being instructed to arrest some *Niggers*, Defendants, CITY OF PHILADELPHIA and CITY OF PHILADELPHIA POLICE DEPARTMENT, police officers Defendants, DOES 1-40, unlawfully arrested more than 20 innocent African-American men and boys.
24. Plaintiffs, FAHEEM BEYAH, KHALIL BEYAH, JAWAAN MONTGOMERY, ROBERT GAY and KHALIL BRINSON were arrested.
25. At all times relevant hereto, Plaintiffs were acting in a lawful manner, and were not violating criminal laws of the Commonwealth of Pennsylvania or the United States of America.
26. Defendants, WASHINGTON and DOES 1-40 did not have probable cause and/or reasonable suspicion to arrest Plaintiffs.
27. After Plaintiffs were unlawfully seized and arrested, they were unlawfully searched by Defendants, DOES 1-40 before being transported to the 17<sup>th</sup> Police District Precinct.
28. When Plaintiffs complained about unlawful seizures and arrests to Defendants, DOES 1-40, they were told to "shut the fuck up" by some DOES 1-40, while those DOES 1-40 were making threats of violence and stating that they would make up charges in order to arrest Plaintiffs.
29. Some of DOES 1-40 attempted to cover-up their unconstitutional actions by stating in their Form 75-48s that Plaintiffs were "loitering in front of a abandon building" or they were in

an “[a]rea [that] is known for numerous shootings and a high crime/drug area” or they were “blocking foot traffic.”

30. Other Defendants, DOES 1-40, simply told the truth and stated in their Form 75-48s that Plaintiffs were “transport[ed] to 17<sup>th</sup> Dist. For film.”
31. After Plaintiffs arrived at the 17<sup>th</sup> Police District Precinct, they were compelled to turn over their property, such as cell phones, wallets, shoes, belts and jewelry to other City of Philadelphia Police Officers.
32. Plaintiffs were not allowed to call their lawyers and/or family members.
33. After being held in an overcrowded, dirty, nasty and stinking cell for more than an hour, Plaintiffs were led out in the main room at the 17<sup>th</sup> District Police Precinct.
34. All the exit doors were blocked by City of Philadelphia Police Officers; Plaintiffs were not free to leave.
35. For more than 4 hours, Plaintiffs were held and compelled against their will to watch and listen to a “film” and lecture produced and distributed by Defendants, MOTHER’S IN CHARGE and JOHNSON-SPEIGHT.
36. The “film” is nothing more than overly hyped propaganda produced by Defendants, MOTHER’S IN CHARGE and JOHNSON-SPEIGHT that is used to make money for Defendants, MOTHER’S IN CHARGE and JOHNSON-SPEIGHT.
37. Plaintiffs reasonably believe and aver that Defendants, MOTHER’S IN CHARGE and JOHNSON-SPEIGHT have a contract with Defendant, CITY OF PHILADELPHIA and was paid to force Plaintiffs to against their will to watch and listen to a “film” and lecture produced and distributed by Defendants, MOTHER’S IN CHARGE and JOHNSON-SPEIGHT.

38. Plaintiffs reasonably believe and aver that Defendants, WASHINGTON, MOTHER'S IN CHARGE and JOHNSON-SPEIGHT have previously forced other innocent African-Americans, against their will, to watch and listen to "films" and lectures produced and distributed by Defendants, MOTHER'S IN CHARGE and JOHNSON-SPEIGHT.
39. Defendant, CITY OF PHILADELPHIA POLICE DEPARTMENT, under the leadership of Defendant RAMSEY, has well-known and documented custom, policy and practice of unlawfully seizing and arresting African-American men such as Plaintiffs.
40. Defendant RAMSEY does not answer to anyone for his statements or actions because the only person that has any supervisory authority over Defendant RAMSEY, Mayor Michael Nutter, is nothing more than a "yes man" to Defendant RAMSEY; if not halted by federal lawsuits, Defendant RAMSEY and his "yes man" Mayor Nutter will turn the city of Philadelphia into a "police state."
41. For years before and after the unlawful stop of Plaintiffs, Defendants, City of Philadelphia, City of Philadelphia Police Department, RAMSEY, WASHINGTON and DOES 1-40 have unlawfully stopped, seized and searched African-American men in the City of Philadelphia.
42. While Defendant, CITY OF PHILADELPHIA has agreed to end these unlawful practices in order to settle prior federal lawsuits, these rogue practices continue to this day with the full knowledge and acquiescence of Defendants, CITY OF PHILADELPHIA, CITY OF PHILADELPHIA POLICE DEPARTMENT, RAMSEY and other City of Philadelphia policy-makers such as Mayor Nutter.
43. Plaintiffs reasonably believe and aver that Defendants, CITY OF PHILADELPHIA, CITY OF PHILADELPHIA POLICE DEPARTMENT, RAMSEY and WASHINGTON and other decision and policy makers within Defendants, CITY OF PHILADELPHIA and CITY

OF PHILADELPHIA POLICE DEPARTMENT are well aware the widespread nature of the constitutional violations described herein because numerous lawsuits have been filed seeking redress violations of innocent citizens' constitutional rights to bear arms.

44. Plaintiffs reasonably believe and aver that Defendants, CITY OF PHILADELPHIA, CITY OF PHILADELPHIA POLICE DEPARTMENT, RAMSEY and WASHINGTON and other decision and policy makers within Defendants, CITY OF PHILADELPHIA and CITY OF PHILADELPHIA POLICE DEPARTMENT have not trained City of Philadelphia Police Officers in the requirements of the First, Fourth, Fifth and Fourteenth Amendments of the United States Constitution.

## **V. CAUSES OF ACTIONS**

### **COUNT I VIOLATION OF 42 U.S.C. § 1983 DEFENDANT, CITY AND COUNTY OF PHILADELPHIA**

45. Plaintiffs hereby incorporate by reference, Paragraphs 1 through 44, as though they are fully set forth herein.
46. Defendant, CITY AND COUNTY OF PHILADELPHIA, developed and maintained a number of deficient customs, policies and/or practices which proximately caused the deprivation of Plaintiffs' constitutional rights aforesaid.
47. Defendant, CITY AND COUNTY OF PHILADELPHIA's unlawful customs, policies and practices encouraged its employees to believe that they could violate the constitutional rights of Plaintiffs rights with impunity and with the explicit or tacit approval of Defendant, CITY AND COUNTY OF PHILADELPHIA and its policy makers.
48. The acts constitute a violation of Plaintiffs' rights under the First, Fourth, Fifth and Fourteenth Amendments to the Constitution and 42 U.S.C. § 1983.

49. As a result of Defendant's knowingly, willfully, maliciously, wantonly, grossly intentional, recklessly and deliberately indifferent concerted conduct under the color of state law pursuant to an unconstitutional, customs, policies and practices, Plaintiffs have suffered and continues to suffer great pain and suffering, emotional distress, mental anguish, loss of reputation, scorn of the community, economic loss and loss of their constitutional and other state and federal rights.

**COUNT II**  
**VIOLATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**  
**DEFENDANT, CITY OF PHILADELPHIA POLICE DEPARTMENT**

50. Plaintiffs hereby incorporate by reference, Paragraphs 1 through 49, as though they are fully set forth herein.
51. Defendant, CITY OF PHILADELPHIA POLICE DEPARTMENT, developed and maintained a number of deficient customs, policies and/or practices which proximately caused the deprivation of Plaintiffs' constitutional rights aforesaid.
52. Defendant, CITY OF PHILADELPHIA POLICE DEPARTMENT's unlawful customs, policies and practices encouraged its employees to believe that they could violate the constitutional rights of Plaintiffs with impunity and with the explicit or tacit approval of Defendant, CITY OF PHILADELPHIA POLICE DEPARTMENT and its policy makers.
53. The acts constitute a violation of Title VI of the Civil Rights Act of 1964.
54. As a result of Defendant's knowingly, willfully, maliciously, wantonly, grossly intentional, recklessly and deliberately indifferent concerted conduct under the color of state law pursuant to an unconstitutional, customs, policies and practices, Plaintiffs have suffered and continues to suffer great pain and suffering, emotional distress, mental anguish, loss of reputation, scorn of the community, economic loss and loss of their constitutional and other

state and federal rights.

**COUNT III  
RACIAL AND GENDER DISCRIMINATION**

55. Plaintiffs hereby incorporate by reference, Paragraphs 1 through 54, as though they are fully set forth herein.
56. All Defendants singled out Plaintiffs for arrest, search and seizure because of their race and gender in violation of Plaintiffs' rights under the First, Fourth, Fifth and Fourteenth Amendments to the Constitution and 42 U.S.C. § 1983.
57. As a result of Defendant's knowingly, willfully, maliciously, wantonly, grossly intentional, recklessly and deliberately indifferent concerted conduct under the color of state law pursuant to an unconstitutional, customs, policies and practices, Plaintiffs have suffered and continues to suffer great pain and suffering, emotional distress, mental anguish, loss of reputation, scorn of the community, economic loss and loss of their constitutional and other state and federal rights, Fourth, Fifth and Fourteenth Amendment of the United States Constitution were violated.

**COUNT IV  
FAILURE TO SUPERVISE  
DEFENDANT RAMSEY**

58. Plaintiffs hereby incorporate by reference, Paragraphs 1 through 57, as though they are fully set forth herein.
59. Defendant, RAMSEY, and is the final policy and decision maker within Defendant, CITY OF PHILADELPHIA POLICE DEPARTMENT.
60. Defendant, RAMSEY has knowingly, wrongfully, willfully, maliciously, wantonly, intentionally and indifferently failed to supervise his employees or take any meaningful corrective action even though he could have by simply complying with the constitution, imple-

menting additional training, different disciplinary practices, hiring and firing practices, supervision and not covering up or ignoring past unlawful action against citizens the City of Philadelphia and other official misconduct by police officers.

61. Defendant's actions constitute a violation of Plaintiffs' rights under the First, Fourth, Fifth and Fourteenth Amendments to the Constitution and 42 U.S.C. § 1983.
62. As a result of Defendant's knowingly, willfully, maliciously, wantonly, intentionally, recklessly and deliberately indifferent concerted conduct, Plaintiffs have suffered and continue a violation of his constitutional rights and to suffer great pain and suffering, emotional distress, mental anguish, loss of reputation, scorn of the community, economic loss and loss of their constitutional and other federal rights.

**COUNT V  
FAILURE TO SUPERVISE  
DEFENDANT WASHINGTON**

63. Plaintiffs hereby incorporate by reference, Paragraphs 1 through 62, as though they are fully set forth herein.
64. Defendant, WASHINGTON, and is a policy and decision maker within Defendant, CITY OF PHILADELPHIA POLICE DEPARTMENT.
65. Defendant, WASHINGTON has knowingly, wrongfully, willfully, maliciously, wantonly, intentionally and indifferently failed to supervise his employees or take any meaningful corrective action even though he could have by simply complying with the constitution, implementing additional training, different disciplinary practices, hiring and firing practices, supervision and not covering up or ignoring past unlawful action against citizens the City of Philadelphia and other official misconduct by police officers.
66. Defendant's actions constitute a violation of Plaintiffs' rights under the First, Fourth, Fifth

and Fourteenth Amendments to the Constitution and 42 U.S.C. § 1983.

67. As a result of Defendant's knowingly, willfully, maliciously, wantonly, intentionally, recklessly and deliberately indifferent concerted conduct, Plaintiffs have suffered and continue a violation of his constitutional rights and to suffer great pain and suffering, emotional distress, mental anguish, loss of reputation, scorn of the community, economic loss and loss of their constitutional and other federal rights.

**COUNT VI**  
**FAILURE TO INTERVENE TO STOP A VIOLATION OF CIVIL RIGHTS**  
**DEFENDANTS RAMSEY, WASHINGTON**  
**AND SUPERVISORY POLICE OFFICER JOHN DOES**

68. Plaintiffs hereby incorporate by reference, Paragraphs 1 through 67, as though they are fully set forth herein.
69. On June 24, 2011, Defendants, RAMSEY, WASHINGTON and SUPERVISORY POLICE OFFICER JOHN DOES, knew or could have known through reasonable investigatory methods that the acts and omissions of Defendants DOES 1-40 and other City of Philadelphia Police Officers were unconstitutional and violated the well-established rights of Plaintiffs under the First, Fourth, Fifth and Fourteenth Amendments to the United States Constitution.
70. Yet Defendants, RAMSEY, WASHINGTON and SUPERVISORY POLICE OFFICER JOHN DOES did not undertake any action to intervene to stop a violation of Plaintiffs' civil rights, to the contrary, Defendants, RAMSEY, WASHINGTON and SUPERVISORY POLICE OFFICER JOHN DOES did everything they could to ensure that Defendants DOES and other City of Philadelphia Police Officers would continue to violate the well-established rights of Plaintiffs under the First, Fourth, Fifth and Fourteenth Amendments to the United States Constitution by failing to properly investigate and discipline Defendants

DOES and other City of Philadelphia Police Officers.

71. Defendants' actions constitute a violation of Plaintiffs' rights under the First, Fourth, Fifth and Fourteenth Amendments to the Constitution and 42 U.S.C. § 1983.
72. As a result of Defendants' knowingly, willfully, maliciously, wantonly, intentionally, recklessly and deliberately indifferent concerted conduct, Plaintiffs have suffered and continues to suffer great pain and suffering, emotional distress, mental anguish, loss of reputation, scorn of the community, economic loss and loss of their constitutional and other state and federal rights.

**COUNT VII**  
**FALSE ARREST AND FALSE IMPRISONMENT**

73. Plaintiffs hereby incorporate by reference, Paragraphs 1 through 72, as though they are fully set forth herein.
74. On June 24, 2011, Plaintiffs were falsely arrested and imprisoned.
75. Plaintiffs were not charged with any crimes.
76. Defendants' conduct constitute false arrest and false imprisonment that was done knowingly, willfully, maliciously, wantonly, intentionally, recklessly and with deliberate indifference in concert and conspiracy with each other and others.
77. Defendants' actions constitute a violation of Plaintiffs' rights under the First, Fourth, Fifth and Fourteenth Amendments to the Constitution and 42 U.S.C. § 1983.
78. As a result of Defendants' knowingly, willfully, maliciously, wantonly, intentionally, recklessly and deliberately indifferent concerted conduct, Plaintiffs have suffered and continues to suffer great pain and suffering, emotional distress, mental anguish, loss of reputation, scorn of the community, economic loss and loss of their constitutional and other federal rights.

**COUNT VIII  
ABUSE OF PROCESS**

79. Plaintiffs hereby incorporate by reference, Paragraphs 1 through 78, as though they are fully set forth herein.
80. On June 24, 2011, Plaintiffs were falsely arrested and imprisoned.
81. Plaintiffs were not charged with any crimes.
82. Defendants' conduct constitute abuse of process that was done knowingly, willfully, maliciously, wantonly, intentionally, recklessly and with deliberate indifference in concert and conspiracy with each other and others.
83. Defendants' actions constitute a violation of Plaintiffs' rights under the First, Fourth, Fifth and Fourteenth Amendments to the Constitution and 42 U.S.C. § 1983.
84. As a result of Defendants' knowingly, willfully, maliciously, wantonly, intentionally, recklessly and deliberately indifferent concerted conduct, Plaintiffs have suffered and continues to suffer great pain and suffering, emotional distress, mental anguish, loss of reputation, scorn of the community, economic loss and loss of their constitutional and other state and federal rights.

**COUNT IX  
CONSPIRACY UNDER THE COLOR OF STATE LAW  
TO VIOLATE PLAINTIFFS' CONSTITUTIONAL, CIVIL RIGHTS AND OTHER  
RIGHTS ALL DEFENDANTS**

85. Plaintiffs hereby incorporate by reference, Paragraphs 1 through 84, as though they are fully set forth herein.
86. All Defendants expressly or tacitly agreed to act and did expressly or tacitly act under the color of state law pursuant to numerous unconstitutional, customs, policies and practices averred herein, knowingly, intentionally, willfully, maliciously, wantonly, grossly inten-

tional, recklessly and with deliberate indifference, in concert and conspiracy with each other and others in the furtherance of numerous unconstitutional customs, policies and practices to undertake the violations of Plaintiffs' constitutional, civil and other federal rights described herein.

87. Defendants' actions constitute a violation of Plaintiffs' rights under the First, Fourth, Fifth and Fourteenth Amendments to the Constitution and 42 U.S.C. § 1983.
88. As a result of all Defendants' knowingly, intentionally, willfully, maliciously, wantonly, grossly intentional, recklessly and deliberately indifferent concerted conduct under the color or state law pursuant to an unconstitutional, custom policy and practice, Plaintiffs suffered and continues to suffer great pain and suffering, emotional distress, mental anguish, loss of reputation, scorn of the community, economic loss and loss of their constitutional and other state and federal rights.

**COUNT X**  
**INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS**  
**ALL DEFENDANTS**

89. Plaintiffs hereby incorporate by reference, Paragraphs 1 through 88, as though they are fully set forth herein.
90. All Defendants' conduct was done knowingly, intentionally, willfully, maliciously, wantonly, grossly intentional, recklessly and with deliberate indifference to cause Mr. Moss extreme emotional distress.
91. Defendants' actions caused Plaintiffs to suffer unnecessary physical pain and suffering and emotional pain and suffering.
92. Defendants' conduct, in concert with each other, was done knowingly, intentionally, willfully, maliciously, wantonly, grossly intentionally, and recklessly and was beyond the

bounds of conduct tolerated in a civilized society.

93. Defendants' actions constitute a violation of Plaintiffs' rights under the First, Fourth, Fifth and Fourteenth Amendments to the Constitution and 42 U.S.C. § 1983.
94. As a result of all Defendants' knowingly, intentionally, willfully, maliciously, wantonly, grossly intentional, recklessly and deliberately indifferent concerted conduct under the color or state law pursuant to an unconstitutional, custom policy and practice, Plaintiffs suffered and continues to suffer great pain and suffering, emotional distress, mental anguish, loss of reputation, scorn of the community, economic loss and loss of their constitutional and other state and federal rights.

#### **COUNT XI DAMAGES**

95. Plaintiffs hereby incorporate by reference, Paragraphs 1 through 94, as though they are fully set forth herein.
96. On all Claims For Relief, under the Ku Klux Klan Act of 1871, Title VI of the Civil Rights Act of 1964; 42 U.S.C. §§ 1981, 1982, 1983, 1985(3), 1986 and 1988; the First, Fourth, Fifth and Fourteenth Amendments to the United States Constitution, other constitutional provisions, federal statutes and state laws, Plaintiffs demand judgment in their favor and damages in an amount not less than \$150,000.00, attorney's fees, costs, expenses and interest.
97. On all Claims For Relief, Plaintiffs demand judgment in their favor and punitive damages in an amount not less than \$150,000.00, attorney's fees, costs, expenses and interest because Defendants' actions exceeded the normal standards of decent conduct and were malicious, willful, oppressive, outrageous and unjustifiable.
98. Plaintiffs demand other just relief as the Court may award.

**COUNT XII**  
**DEMAND FOR JURY TRIAL**

99. Plaintiffs hereby incorporate by reference, Paragraphs 1 through 98, as though they are fully set forth herein.
100. On all facts and claims for relief asserted, Plaintiffs demands a trial by jury.

WHEREFORE, Plaintiffs demands judgment and damages on all facts and claims for relief herein asserted, and upon judgment, reasonable attorney's fees, all costs, expenses and interest.

Respectfully submitted,

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